

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISRAEL GAMERO, et al.,

Plaintiffs,

v. 15 CV 2697 (KPF)
KOO DO SUSHI CORP., et al., Telephone Conference

Defendants.

15 CV 2697 (KPF)
Telephone Conference

KOODO SUSHI CORP., et al.,

New York, N.Y.
March 18, 2016
10:15 a.m.

Before:

HON. KATHERINE POLK FAILLA,

District Judge

APPEARANCES

MICHAEL FAILLACE & ASSOCIATES, P.C.
Attorneys for Plaintiffs
BY: RAQUEL AMALIA GUTIERREZ

MICHELLE KOO
Defendant pro se

1 (In chambers)

2 THE DEPUTY CLERK: In the matter of Israel Gamero,
3 et al. versus Koodo Sushi.

4 If the parties could please identify themselves,
5 beginning with plaintiff.

6 MS. GUTIERREZ: Good morning, your Honor, Raquel
7 Gutierrez on behalf of the plaintiffs.

8 THE COURT: Good morning.

9 MS. KOO: Good morning, your Honor. This is Michelle
10 Koo.

11 THE COURT: Good morning to both of you. Thank you
12 very much for participating in this telephone conference.

13 I convened this conference because I received the
14 letter from the parties indicating that discovery had concluded
15 and it was time to talk about setting a trial date.

16 Let me begin, first, by asking Ms. Gutierrez: Would
17 you please, at the conclusion of this proceeding, obtain in the
18 ordinary course a transcript of this conference.

19 MS. GUTIERREZ: Yes. No problem.

20 THE COURT: Thank you very much.

21 Ms. Gutierrez and Ms. Koo, I'm looking at my trial
22 calendar, and I think it is too soon to have one in April.
23 That won't give us enough time to get ready. I have a couple
24 of moving pieces in May, which may suggest some trial time the
25 week of May 23rd or the week of the 30th. And then after that

1 it gets a little bit hairy. I may have to let you know a
2 little bit later on when I can see you.

3 Ms. Gutierrez, may I ask you: Do you personally, or
4 folks with whom you will be conducting this trial, have trial
5 commitments for the next couple of months?

6 MS. GUTIERREZ: Yes. Actually, I believe I have a
7 trial scheduled before your Honor on April 11th; and then the
8 following week, April 18th, I have another one scheduled.
9 Then, after that, I don't have anything firmly on my calendar
10 yet, no.

11 THE COURT: The April 11th is the Urtecho trial?

12 MS. GUTIERREZ: Correct.

13 THE COURT: Yes, I still have it.

14 MS. KOO: Your Honor, I'm sorry. This is Michelle
15 Koo. I won't be back in the States until April 18th.

16 THE COURT: That is fine. I'm going to talk to you
17 momentarily. I just wanted to get Ms. Gutierrez's calendar,
18 and then I will get yours.

19 Ms. Gutierrez, we have you out for the week of the
20 11th because you will be having a trial before me any way you
21 look at it.

22 May I ask you, as well, Ms. Gutierrez, do you have any
23 commitments that would have you out of district in the next
24 three or four months?

25 MS. GUTIERREZ: Actually, I'm trying to plan something

1 right now for the end of June, early July period. I'm not sure
2 of the exact dates. I anticipate not being here during that
3 time.

4 THE COURT: I will keep that in mind. Thank you very
5 much.

6 Ms. Koo, let me understand, please, the dates that you
7 will be out of the country.

8 MS. KOO: Today.

9 THE COURT: You leave today?

10 MS. KOO: Yes, today.

11 THE COURT: You're coming back the 18th of April?

12 MS. KOO: Correct.

13 THE COURT: And while you're gone, we won't have the
14 ability to contact you; is that correct?

15 MS. KOO: Mostly no, because I didn't open the plan
16 because it is very expensive.

17 THE COURT: That's fine.

18 MS. KOO: I can receive an e-mail, because when I have
19 chance for free Wi-Fi, I always log in.

20 THE COURT: Do we have your e-mail address?

21 MS. KOO: Yes.

22 THE COURT: If not, we will check in with
23 Ms. Gutierrez, who has it.

24 MS. GUTIERREZ: I have been in good communication with
25 Ms. Koo over e-mail.

1 THE COURT: I thank you for letting me know that.

2 Separate from this trip that begins today, do you have
3 any other plans to be out of state or out of the country in
4 June or May or July or any of those months?

5 MS. KOO: July-- no, nothing for July. From August,
6 yes, because as I said last time, my mom is 83 years old. The
7 lady who taking care of her, my aunt, she passed away two weeks
8 ago. I have to help my mom to relocate. At this time, I'm
9 going to bring my mom back to the states again with me on
10 April 18th. Then I'm going to help her looking for somewhere
11 in Florida by the end of July. That's what we plan.

12 THE COURT: All right. I will keep that in mind.
13 Thank you.

14 All right. Then, I think we have a couple of
15 conflicts, and I will try and see how firm my other trial dates
16 are and get back to the parties on that.

17 Ms. Koo, let me ask you a separate question, please.

18 MS. KOO: Sure.

19 THE COURT: When we were discussing the possibility of
20 settlement in this case, I appointed for you an attorney, the
21 woman at Seyfarth Shaw who assisted you with the settlement
22 discussions. We call that a limited purpose appointment. My
23 question is: Would you like me to see if I can find an
24 attorney to assist you with the trial in this case. It would
25 be a limited purpose appointment. Their job would be to help

1 you with the trial. I can't promise anything. Do you want me
2 to see if someone is available for that purpose?

3 MS. KOO: Sure. Please. Thank you.

4 THE COURT: Apparently, I have the next month to do
5 that because you will be out of the country. When you get
6 back, we will begin discussions about really firming up a trial
7 date.

8 Thank you, both. I did not fully appreciate the
9 issues with schedules. I need to work on this a little bit
10 more at my end, so we'll talk again very shortly upon Ms. Koo's
11 return, and I thank you both for participating in the call
12 today.

13 MS. KOO: Thank you so much.

14 MS. GUTIERREZ: Thank you.

15 MS. KOO: You have a wonderful day.

16 THE COURT: Thank you. You, as well.

17 (Adjourned)